

<div data-bbox="829 276 1003 300" data-label="Section-Header"> <p><b>Comment Letter BB</b></p> </div> <p>January 11, 2012</p> <p>Department of Planning and Land Use (DPLU) Project Processing Counter Attn: Matthew Schneider 5201 Ruffin Road, Suite B San Diego, CA 92123</p> <p>Subject: Alter Comments on POD10-007, LOG NO. 09-00-003; SCH NO. 2010091030 Wind Energy Zoning Ordinance and General Plan Amendment</p> <p>Dear Mr. Schneider:</p> <p>Thank you for the opportunity to comment on the County of San Diego's proposed Wind Energy Zoning Ordinance and General Plan Amendment. Alter is a diverse group of business and community leaders dedicated to promoting alternative energy in our region. The coalition's Leadership Council includes representatives from chambers of commerce and economic development corporations, small business owners, members of the wind and solar industries, local residents and other key stakeholders who believe in a renewable energy future for the San Diego region.</p> <p>Alter strongly supports the vision that prompted the County to pursue this new ordinance. However, the Wind Energy Zoning Ordinance as currently written is contrary to the Board of Supervisors' stated goal of updating its regulations to "promote renewable, green energy." Outlined below are several serious concerns that, if not corrected, could significantly limit or potentially halt renewable energy development on land within San Diego County's jurisdiction. Also provided are recommendations that address these issues. While small wind turbine systems are an important part of our region's renewable energy future, all of the following comments refer to large wind turbines.</p> <p><b>I. Wind Resources Map</b></p> <p>The ordinance stipulates that large wind projects shall be located in areas shown on a wind resources map approved by the Board of Supervisors. A draft of the map has not been made available for public review. This map must be provided in order for Alter to adequately gauge environmental impacts, as well as potential restrictions on wind. While it is possible to evaluate wind potential on a broad level using National Renewable Energy Lab (NREL) data, resources should be measured on a site-by-site basis. We are concerned that limiting development to a map based on this broad analysis could preclude wind farms in other suitable locations.</p> <p><b>II. Low Frequency (dBC) Sound</b></p> <p>The majority of Alter's concerns relate to dBC sound. The County's proposed dBC threshold is significantly more restrictive than those in the three other California counties that use these criteria. It is unclear why the County of San Diego has chosen to pursue this unnecessarily stringent low frequency noise requirement. The paper cited as justification for using this model is highly questionable, relying on anecdotal evidence about health impacts, rather than actual sound measurements. As the County is aware, the purported connection between health impacts and low frequency sound has not been proven in any peer-reviewed</p>	<div data-bbox="1178 191 1782 233" data-label="Section-Header"> <h3>Response to Comment Letter BB</h3> </div> <div data-bbox="1339 269 1617 391" data-label="Text"> <p><b>Alter</b> <b>Randy Lenac</b> <b>January 11, 2012</b></p> </div> <div data-bbox="1050 430 1923 1409" data-label="List-Group"> <p><b>BB-1</b> These introductory comments regarding concerns with the proposed project are more fully developed later in this comment letter and, therefore, more detailed responses are presented below for each topic.</p> <p><b>BB-2</b> The County acknowledges and appreciates this comment. Figure 1-4 of the Draft EIR depicts the proposed wind resource map. The map label has been revised to clarify that it is the "Proposed Wind Resource Map." The map is based on National Renewable Energy Lab (NREL) data. Should additional data become available, the County may amend the map. It is also important to note that most, if not all, utility scale wind developers obtain site-specific meteorological data in determining whether to proceed with a project, and the developers consider this data to be proprietary information. As such, NREL data is the most readily available data and is, therefore, an appropriate basis for the County's Wind Resource Map.</p> <p><b>BB-3</b> This comment does not raise a significant environmental issue for which a response is required. However, it should be noted that there is no</p> </div>
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<p>publication. More scientifically valid studies support a 1,000-foot setback as sufficient where low frequency sound is concerned.</p> <p>There are several reasons why dBC requirements are such a source of concern for those who support a cleaner energy future for San Diego County. As noted above, the County's proposed threshold is significantly more restrictive than other ordinances. While the County has not provided clear direction for measuring low frequency sound, its criteria are likely to limit wind development by creating impracticable setbacks. That would significantly impact the viability of projects in resource-rich areas such as Boulevard and Borrego Springs. The County's environmental impact report fails to explain the extent to which the land available for siting wind facilities would be reduced by the proposed dBC noise thresholds. We believe the document should, at a minimum:</p> <ul style="list-style-type: none"> <li>A. Provide additional direction and guidelines to help wind developers and turbine manufacturers perform dBC noise studies;</li> <li>B. Calculate the average turbine setback based on the proposed dBC criteria;</li> <li>C. Determine how many acres of land would be available for wind development when resource potential, land ownership, topography and dBC-based setbacks are taken into consideration;</li> <li>D. Compare the acreage available under the County's proposed ordinance to the project alternatives and a more realistic standard based solely on dBA; and</li> <li>E. Identify the impacts – including greenhouse gas emissions and our ability to meet the state's renewable energy mandate – that would result from adopting the proposed dBC standard rather than a more reasonable alternative.</li> </ul> <p>In identifying a proper noise standard, it is also important to look at other California jurisdictions that have successfully promoted wind development. Riverside County, for example, has no dBC requirements and has seen the installation of nearly 700 megawatts (MW) of wind in the San Geronio Pass. If the County of San Diego is serious about its commitment to renewable energy, this is the type of standard that should be adopted. We encourage the elimination of the dBC requirement in its entirety.</p> <p><b>III. Post-Construction Sound Measurements</b></p> <p>The proposed ordinance requires wind developers to prepare post-construction sound studies within 12 months of the beginning of operation and every five years afterward. The County fails to explain what will happen if an existing wind farm does not meet the noise standards. The implication seems to be that the facility will have to cease operations, which means the developer will be responsible for removing the non-operational turbines. If that is the case, it would be difficult, if not impossible, for wind developers to obtain project financing. The County should either eliminate this requirement or provide a reasonable protocol to ensure that wind facilities remain viable after construction.</p> <p><b>IV. Turbine Description</b></p> <p>Under the proposed ordinance, wind developers would be required to include the wind turbine manufacturer, model, power rating and blade dimensions, as well as the tower manufacturer and model, in</p>	<p>BB-4 Cont.</p> <p>BB-5</p> <p>BB-6</p> <p>BB-7</p> <p>BB-8</p> <p>BB-9</p> <p>BB-10</p> <p>BB-11</p> <p>BB-12</p> <p><b>BB-4</b></p> <p>universally accepted method for regulating low frequency noise. See also response to comment U5.</p> <p>This comment does not raise a significant environmental issue for which a response is required. However the County wishes to clarify the following points. While the DEIR acknowledges public interest and concern regarding potential health effect from turbines, it concluded that scientific evidence available to date does not demonstrate a direct causal link between turbines and adverse health effects. Noise is an environmental impact that must be addressed pursuant to CEQA regardless of public opinion or disagreement among experts about health effects.</p> <p>Turbines with a rated capacity greater than 50kW are defined as large turbines under the proposed ordinance. The County is aware of utility scale turbine projects with turbines rated at up to 3MW. As there is a direct correlation between turbine size and low frequency noise, it is not feasible to have a fixed setback. A fixed setback would mean that a single 50kW large turbine project emits the same low frequency sound as a 100-turbine, 3MW project. This approach would be faulty since more turbines with greater energy capacity result in more low frequency noise output. The County's proposed low frequency provision is deliberately intended to be dynamic so it can be applied to turbines of various sizes.</p>
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	<p>Please note that there is no universally accepted scientific method for regulating low frequency sound. In addition, the County readily acknowledges that some large turbine projects by virtue of their size, location or availability of land may not be permissible under the proposed ordinance. This fact does not, however, mean that if a turbine project of a certain size and manufacturer would not be permissible under the proposed ordinance that turbines of all sizes and manufactures would, likewise, be impermissible. Rather, it means that the turbine selection is important and must be considered in conjunction with the size and location of the specific wind energy project site.</p>
	<p><b>BB-5</b> The County does not agree with this comment. Please refer to response to comment P1.</p>
	<p><b>BB-6</b> This comment does not raise a significant environmental issue for which a response is required. However, the County has prepared draft noise guidelines for wind turbine applicants. They will be finalized and used for large wind projects if the proposed Wind Energy Ordinance is approved.</p>
	<p><b>BB-7</b> The County has estimated turbine setbacks for large turbines based on low frequency noise provisions of the proposed ordinance. See Appendix A to these responses to comments.</p>
	<p><b>BB-8</b> The County acknowledges and appreciates this</p>

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		comment. Please refer to response to comment H3.
	<b>BB-9</b>	The County does not agree with this comment. Please refer to responses to comments H4 and H10.
	<b>BB-10</b>	The County acknowledges and appreciates this information. Ultimately, the Board of Supervisors must determine how the County can best meet its objectives. The information in this comment will be in the Final EIR for review and consideration by the County Board of Supervisors.
	<b>BB-11</b>	This comment does not raise a significant environmental issue for which a response is required. The comment takes issue with the proposed post-construction noise monitoring requirements. The proposed ordinance has been modified through the course of numerous public hearings and a public workshop such that it no longer includes a Post Construction Sound Measurement provision. The current project includes Compliance Review provisions which will require Major Use Permits for large turbine(s) to be conditioned to require a compliance report to the County once every two years. The compliance report shall describe any complaints filed with the County during the previous two year period and all corrective actions taken if the use was found to be out of compliance with the requirements of Section 6952 of the County Zoning Ordinance and/or the applicable noise related Major Use Permit

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<p>the Major Use Permit. This requirement is not practical due to the fact that turbine technology is constantly evolving, and the approval process can take years. Wind developers should be given the opportunity to use the most efficient, up-to-date technology at the time their projects are approved. As such, the County should eliminate this requirement.</p> <p><b>V. Setbacks</b></p> <p>The proposed ordinance includes a setback from private road easements, open space easements, conservation easements, public roads and property lines of 1.1 times the wind turbine height. Alter believes a setback greater than the turbine height is both reasonable and necessary to ensure safe operations. However, no wind turbine could realistically be sited within that distance and still meet the dBC requirements. It is therefore misleading for the ordinance to suggest that setbacks of 1.1 times turbine height would be allowed. Practically speaking, that is not the case.</p> <p>As we stated previously, the environmental analysis must identify what the actual setbacks would be when low frequency sound is taken into account and determine how they would limit wind development. In addition, setbacks should be calculated from sensitive receptors and not from the property line as currently proposed. This requirement could prevent wind development companies from optimizing the layout of their projects. The County's analysis of available land should also determine how much acreage would be undevelopable if setbacks are measured from the property line vs. sensitive receptors.</p> <p><b>VI. Setback Reduction</b></p> <p>The ordinance provides clear direction on how to obtain "Consent to Reduce Setbacks" from property owners subject to the County's land use regulations. However, the guidelines for getting approval from adjacent property owners in other jurisdictions are ambiguous. The ordinance should state exactly what kind of documentation is needed to satisfy the Department of Planning and Land Use in such cases.</p> <p><b>VII. No Project Alternative</b></p> <p>We are unsure how large wind facilities would be evaluated should the "no project alternative" be selected. The environmental document should state the criteria that would be used to analyze proposed projects if the ordinance is not adopted.</p> <p><b>VIII. Conclusion</b></p> <p>Alter would like to reiterate its support for the County's commitment to promoting the increased use of renewable energy. Our region has a valuable opportunity to create jobs, increase tax revenues and reduce greenhouse gas emissions by taking advantage of these natural resources. We believe the proposed ordinance is a step in the right direction, but it requires some refinement in order to meet its stated goals. The County can accomplish this objective by eliminating the overly restrictive and unnecessary dBC</p>	<p>BB-12 Cont.</p> <p>BB-13</p> <p>BB-14</p> <p>BB-15</p> <p>BB-16</p> <p>BB-17</p> <p><b>BB-12</b> The County of San Diego acknowledges and appreciates this comment. Please refer to response to comment H14.</p> <p><b>BB-13</b> This comment does not raise a significant environmental issue for which a response is required. The setback of 1.1 times turbine height would be a minimum setback. There is no intent to mislead and, in fact, section 6952.c.3 of the proposed ordinance states: "Additional setbacks may be required to meet noise requirements in subsection "f" below." Finally, there is no universally accepted scientific method for regulating low frequency noise.</p> <p><b>BB-14</b> See also responses to comments U4, BB7 and H3.</p> <p><b>BB-15</b> This comment addresses Section 6952.c.4(iii) of the proposed ordinance. It does not raise a significant</p>
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thresholds, modifying the way it calculates setbacks, clarifying processes and providing additional information. Working together, we are confident that San Diego County can achieve a renewable energy future.

Sincerely,

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Cont.

environmental issue for which a response is required. However, the County wishes to clarify that flexibility was deliberately incorporated into the ordinance as other jurisdictions are not required to subscribe to the County's document requirements. Providing flexibility increases developers options when securing waivers from other jurisdictions (tribal, federal, etc.).

**BB-16** This comment does not raise a significant environmental issue for which a response is required. However, if the "No Project Alternative" were adopted, the existing wind ordinance would remain in place, and no mitigation measures as proposed in the DEIR would go into effect. The definition of "large turbine" would not be updated and all large turbine projects would be limited to 80 feet in height and restricted to a maximum cumulative blade sweep area of 6400 square feet, in addition to the other current ordinance provisions.

**BB-17** The County appreciates and acknowledges this comment.